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TO:	Examiner J. Carlson	FROM:	Antony P. Ng, Reg. No. 43,427
COMPANY:	U. S. Patent and Trademark Office	DATE:	July 13, 2005
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RE:	Reply Brief	YOUR REFERENCE NUMBER:	09/943,941

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see the attached formal response, and feel free to call me at (512) 343.6116 should you have any questions concerning the attached.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Attorney Docket No.: RPS920010141US1

In re Application of:

PROROCK ET AL.

Serial No.: 09/943,941

Filed: 31 AUGUST 2001

For: METHOD AND SYSTEM FOR PROVIDING INCENTIVE AWARD INFORMATION TO A CUSTOMER

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Examiner: CARLSON, J.

Art Unit: 3622

REPLY BRIEF

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted in response to the Examiner's Answer dated July 1, 2005.

CERTIFICATE OF FACSIMILE
37 § CFR 1.8(a)

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date below.

7/13/05
Date

Vincent J. L. ...
Signature

REMARKS

On page 5 of the Examiner's Answer, the Examiner asserts that "Sloane does present the user with status information regarding current purchases plus previous, store purchases." However, the Examiner has not provided any citation from *Sloane* with respect to the above-mentioned assertion. Since *Sloane*'s invention is related to a method and apparatus for alerting consumers of sales, or other product promotions, to motivate or alter their purchasing decisions at the point-of-purchase (col. 1, lines 11-14), it is clear that above-mentioned assertion is beyond the scope of *Sloane*'s invention. Thus, without any specific citation, *Sloane* does not teach or suggest the claimed steps of "determining within said host computer whether or not an immediate purchase of a product associated with said scanned product code qualifies said customer for an award based on said located incentive award information" and "in a determination that an immediate purchase of a product associated with said scanned product code qualifies said customer for an award, transmitting information related to an opportunity for receiving said award from said host computer to said input device and displaying said information related to said opportunity for receiving said award on said input device."

On page 6 of the Examiner's Answer, in response to the Appellants' point of *Harms* not influencing purchases at the point of purchase, the Examiner states that it "is clearly taught by the base reference, *Sloane* which is modified by *Harms* et al; *Harms* et al need not include such a feature." *Harms* is related to a method for administering a loyalty marketing program by using a government-issued identification card as the frequent buyer redemption card (col. 1, lines 5-12), and the Examiner has not provided any teaching from *Harms* regarding "influencing purchases at the point of purchase." In addition, since the Examiner states that "*Harms* et al need not include such a feature," it is taken that only *Sloane* teaches influencing purchases at the point of purchase. As such, *Sloane* and *Harms* are related to different aspects of retail sales, and there is really no suggestion or motivation to modify *Sloane* by *Harms* or to combine reference teachings for the purpose of § 103 rejection.

For the reasons stated above, Appellants believe the § 103 rejection for Claims 1-4 and 9-14 is improper and should be reversed.

No fee or extension of time is believed to be necessary; however, in the event an additional fee or extension of time is required, please charge that fee or extension of time requested to the IBM Deposit Account 50-0563.

Respectfully submitted,



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